

**Remarks**

This Election is responsive to the Restriction Requirement issued of **July 13, 2005**. Reexamination and reconsideration of claims 1-11, 29-30 and 34 is respectfully requested.

**Summary of The Restriction**

Restriction to one of the following inventions was required under 35 U.S.C. 121:

- I.** Claims 1-11, 29-30 and 34, drawn to a method for determining an non-optimal condition for printer device, classified in class 358, subclass 1.9.
- II.** Claims 12-22 drawn to a host computer for adjusting color gamut for the printer device, classified in class 358, subclass 523.
- III.** Claims 23-28 drawn to a printer for adjusting color gamut for the printer device, classified in 358, subclass 504.
- IV.** Claims 31-33 drawn to a system (host computer and printer device) includes a printer controller for adjusting color gamut and such printer controller can be incorporated in the host computer or printer device, classified in 358, subclass 1.15.

**Claim Rejections**

**Claims 1-2, 4-11, 29-30, 34** were rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama et al. (US 6771378), and in view of Munetomo et al. (US 6661530).

**Claim 3** was rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama and Munetomo as described in claim 1, and further in view of Yabe (US 5907415).

**Election**

In response to the Restriction Requirement, Applicant affirms the provisional election made on March 23, 2005, and elects to prosecute Group I, claims 1-11, 29-30 and 34, without traverse.

**The Present Amendment**

Claims 12-28, 31-33 are now canceled since they are directed to non-elected claims.

**The Present Claims Patentably Distinguish Over the References of Record**

**Independent Claim 1**

The Office Action on page 3 states that Akiyama fails to disclose a method for displaying a visual representation of the print job without the affected toner color, but cites Munetomo as teaching a print preview of a print job.

Claim 1 has been amended to clarify the method. For example, the visual representation of the print job without the affected toner color is displayed in response to receiving the notification and well as suggesting alternative color schemes.

Applicant respectfully submits that the print preview feature of Munetomo is a typical print preview that is user initiated. The preview is not in response to a non-optimal condition as recited in claim 1 and is not performed to allow the selection of alternate color schemes when such a non-optimal condition exists. Akiyama also fails to teach or suggest the claimed combination of elements since Akiyama fails to discuss a feature similar to the claimed displaying of a visual representation in response to a non-optimal condition.

Combining Munetomo with Akiyama would result in an ordinary print preview feature that is user initiated as taught by Munetomo. Thus, one of ordinary skill in the art would understand that a user could initiate a print preview in the modified Akiyama system, but the modified system would not teach or suggest the claimed method that performs the display in

response to the notification and does not teach or suggest the recited suggesting alternative schemes, both of which are system initiated based on the claimed conditions existing.

The Office Action states on the bottom of page 3 to the top of page 4 that users/operators would want to determine whether the printed product meets their specs. Although this is suggested by the present application, the references fail to teach or suggest the claimed method that automatically displays visual representations in response to a non-optimal condition with consumables.

Therefore, combining Munetomo with Akiyama still fails to teach or suggest the recited features of claim 1. Claim 1, thus, patentably distinguishes over the references of record and is in condition for allowance. Accordingly, dependent claims 2-11 also patentably distinguish over the references and are in condition for allowance.

#### Dependent Claims 9-10

The Office Action simply states that detecting a worn photoconductor and transfer element are known in the art. Although these steps independently are known, they are not taught or suggested when in combination with the elements of parent claim 1. Therefore, no references have been cited that teach or suggest the claimed combination of claims 9 or 10 including the limitations of parent claim 1. Neither Akiyama nor Munetomo discuss the claimed combination. For this additional reason, claims 9 and 10 patentably distinguish over the references of record and are in condition for allowance.

#### Independent Claim 29

Claim 29 recites a computer comprising a printer controller configured to provide options for managing a non-optimal condition. The options comprising redirecting the print job to an alternative print device and visually presenting the print job. The Office Action states that redirecting is well known but does not cite a specific reference. Applicant respectfully submits that when viewed as a combination of elements in the claim, the redirecting is not taught or suggested by the prior art when combined with managing a non-optimal condition and visually

presenting the print job with alternate color schemes. The rejection cannot be supported by piece-meal teachings. Since the combination is not taught or suggested by the references of record, claim 29 patentably distinguishes over the references of record.

Furthermore, the recited “visually presenting the print job” is not taught or suggested when combined with the other elements for similar reasons as set forth with reference to claim 1 above. For this additional reason, the combined elements of claim 29 patentably distinguish over the references of record and are in condition for allowance.

Accordingly, dependent claim 30 also patentably distinguish over the references and is in condition for allowance.

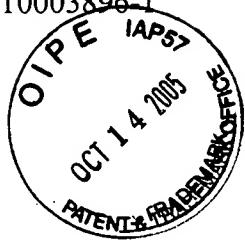
Independent Claim 34

The combination of Akiyama and Munetomo fail to teach or suggest all recited elements of amended claim 34. Therefore, the claimed system of claim 34 patentably distinguishes over the references of record and is now in condition for allowance.

Dependent Claim 3

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama and Munetomo as described in claim 1, and further in view of Yabe (US 5907415). Since claim 1 has been shown to patentably distinguish over the references of record, the teachings of Yabe fail to cure its short comings. Thus, claim 3 also patentably distinguishes over the references of record and is now in condition for allowance.

The references cited but not applied have been considered and do not teach or suggest the recited features of the respective claims, individually or in combination with each other. Therefore, all claims are in condition for allowance.



**Conclusion**

For the reasons set forth above, claims 1-11, 29-30 and 34 patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

  
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